

I write to support the petition by the California Coalition of Agencies Serving the Deaf and Hard of Hearing requested the FCC to prohibit VRS providers from purposely restricting VRS customers to a single VRS provider. I have friends and family members who are deaf and who need the widest possible access to video and communications options.

The following are important for deaf communications:

Functionally Equivalent Service - The Americans with Disabilities Act requires relay services to be functionally equivalent to voice telephone services. Hearing people can pick up a telephone, get a dial tone, and call anyone from that phone, regardless of the telephone carrier that the caller or the called party uses. VRS users should also need only one device to make calls to anyone.

Emergency Access - Restricting individuals to a single provider can be dangerous in the event of an emergency. Deaf and hard of hearing consumers are gradually replacing their TTYs with video devices to place calls to hearing parties. People who are dependent on VRS need to have a way of immediately reaching police, fire and medical assistance. Moreover, blocking incoming calls from emergency technicians or others trying to call a VRS user can prevent a person in danger from receiving critical information for his health and safety, and even mean the difference between life and death. In the event that an emergency strikes a large area - e.g., a hurricane, earthquake or terrorist attack - not having access to multiple providers to send and receive calls also conflicts with national emergency programs, including homeland security policies.

Two Devices - Although VRS users can arguably have two video devices (e.g., a D-Link and a VP-100) to make VRS calls through all providers, it is burdensome and against the principles of functional equivalency for consumers to need two separate video devices. Hearing people are not expected to have two distinct appliances to make calls to or receive calls from their universe of telephone subscribers. Having separate devices requires consumers to keep separate lists of contacts, unique names and passwords for each of the systems. If VRS becomes portable, the lack of compatibility across VRS providers will impose an even greater burden, as VRS users are forced to choose which list of VRS contacts will be accessible to them from their hand-held devices. In addition, two devices are costly and cumbersome for those with small homes and apartments.

Incoming Calls - A VRS user with two separate video units may use only one of these devices at a time. Incoming calls directed to the device that is turned off will be rejected, causing the consumer to miss calls sent to the wrong unit. In addition to violating general mandates for functional equivalency, this is in violation of a specific ADA requirement for VRS providers to handle all calls.

Seamless and Integrated Network - Longstanding FCC policy has been to achieve a seamless and integrated network of communications services. Blocking incoming and outgoing calls prevents deaf and hard of hearing people from enjoying the same level of seamless, interconnected telephone access that hearing people have, impeding the independence and productivity of VRS users. It reduces their quality of life and restricts their ability to earn a decent living because their job opportunities will be limited.

Public Funds - VRS providers are reimbursed by the National Exchange Carriers Administration's Interstate TRS Fund, a fund that receives its money through contributions made by all long distance telephone subscribers. No provider receiving money through this federally administered program should be permitted to engage in restrictive practices that block VRS calls.

Interpreter Efficiencies - There are a limited number of interpreters in the United States. If any VRS provider blocks calls to and from other VRS providers, all VRS users will not have equal access to the full nationwide pool of interpreters needed to efficiently and effectively respond to their needs.

Anti-competitive Practice - Blocking calls is an anti-competitive practice that can lead to a VRS monopoly by one VRS provider. In the end, this will remove consumer choice in the selection of video relay service options. In order to encourage innovation and competition, all VRS equipment and services should be interoperable.

Dialing Equality - Hearing people are able to make telephone calls using simple seven to ten digit numbers. These numbers do not change when an individual changes telephone companies. While VRS users may similarly use "telephone numbers" for some video relay services, at present, one provider does not allow the numbers used on its system to access customers using other VRS systems. Providers should not be permitted to have exclusive dialing arrangements that make it more difficult for VRS users to make calls.

Non-discriminatory Services - When Congress enacted the relay sections of the ADA, it stated that telecommunications carriers must "provide relay services on a nondiscriminatory basis to all users within their serving areas." Preventing customers from being able to easily access anyone, at anytime, and restricting incoming calls from certain users is discrimination under this Act.

Sincerely,

Anthony Nitko Sr.